



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,828	06/23/2003	Guo Rui Deng	2451.PCRA.PT	9067

26986 7590 01/19/2007
MORRISS O'BRYANT COMPAGNI, P.C.
136 SOUTH MAIN STREET
SUITE 700
SALT LAKE CITY, UT 84101

EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
----------	--------------

3724

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/601,828

Applicant(s)

DENG ET AL.

Examiner

Clark F. Dexter

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 11, 2006 has been entered.

Claim Objections

2. Claim 50 is objected to because it appears to be redundant with respect to claim 47 from which it depends. Appropriate correction is required.

Claim Rejections - 35 USC § 102/103

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 3724

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 18, 19, 40, 45-47 and 49 are rejected under 35 U.S.C. 102(b) as anticipated by Sarka et al., pn 3,863,550 or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sarka et al., pn 3,863,550 in view of Beroz et al., pn 6,543,131.

Sarka discloses an apparatus (e.g., in Fig. 11) with every structural limitation of the claimed invention including at least one metal base portion/metal plate (e.g., 2), at least one metal blade (e.g., 15) having at least one exposed cutting edge (e.g., 17), and a covering/housing/adaptor (e.g., 21, 22). Further, Sarka meets the newly added limitation of "fixedly attaching" in that when the plastic filler material is injected to fill the space and then cured as described (e.g., see col. 4, lines 2-13), the inner assembly will become stuck or held in place within the fixture and thus "fixedly attached to" the fixture, whereby a force will be necessary to remove the assembly from the fixture. Further, it is respectfully submitted that the added limitations "such that said covering translates

Art Unit: 3724

pressing force applied thereon to be more uniformly applied at the at least one cutting edge along an edge of said at least one blade” does not clearly imply any additional structure but rather merely describes an intended use of the device shown in Fig. 11 of Sarka.

In the alternative, if it is argued that there is no explicit disclosure that the assembly will become fixedly attached fixture, it would have been obvious to one having ordinary skill in the art to use adhesive (e.g., two-sided adhesive tape or a mass of adhesive material) to affix the assembly, particularly plate 2, in the fixture to facilitate assembly of the die disclosed in Sarka. One having ordinary skill in the art would be very familiar with the use of such adhesive in the assembly arts and know that it is often applied to assist in assembling of components; for example, such adhesive would be applied between the bottom plate 2 and the bottom 21 of the molding fixture to maintain the respective positions of the die components and the molding fixture during assembly, whereby after assembly, the die would be removed from the molding fixture and the adhesive removed. Beroz discloses one example of the use of such an adhesive to temporarily hold components in place during assembly (e.g., see Figs. 9, 10 and col. 7, lines 23-27; col. 15, lines 26-33). Therefore, it would have been obvious to one having ordinary skill in the art to attach the covering to the metal base portion in Sarka for at least the benefits described above.

Claim Rejections - 35 USC § 103

6. Claims 17, 43, 44 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarka et al., pn 3,863,550 in view of Beroz et al., pn 6,543,131.

Sarka discloses an apparatus (e.g., in Fig. 11) with almost every structural limitation of the claimed invention but lacks the covering/housing/adapter being made of a material softer than the metal plate, specifically plastic. However, it is old and well known in the art that plastic provides various well known benefits including an inexpensive, light weight material that is easy to manufacture and handle. Further, it has been held that the selection of a known material on the basis of suitability for the intended use would be entirely obvious (see *In re Leshin*, 125 USPQ 416 (CCPA 1960)). Therefore, it would have been obvious to one having ordinary skill in the art to make the molding fixture disclosed in Sarka from plastic to gain the well known benefits including those described above.

7. Claims 32 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarka et al., pn 3,863,550 in view of Beroz et al., pn 6,543,131.

Sarka discloses an apparatus (e.g., in Fig. 11) with almost every structural limitation of the claimed invention but lacks adhesive attaching the covering to the metal base portion. However, it would have been obvious to one having ordinary skill in the art to use adhesive (e.g., two-sided adhesive tape or a mass of adhesive material) to affix the assembly, particularly plate 2, in the fixture to facilitate assembly of the die disclosed in Sarka. One having ordinary skill in the art would be very familiar with the use of such adhesive in the assembly arts and know that it is often applied to assist in

Art Unit: 3724

assembling of components; for example, such adhesive would be applied between the bottom plate 2 and the bottom 21 of the molding fixture to maintain the respective positions of the die components and the molding fixture during assembly, whereby after assembly, the die would be removed from the molding fixture and the adhesive removed. Beroz discloses one example of the use of such an adhesive to temporarily hold components in place during assembly (e.g., see Figs. 9, 10 and col. 7, lines 23-27; col. 15, lines 26-33). Therefore, it would have been obvious to one having ordinary skill in the art to attach the covering to the metal base portion in Sarka for at least the benefits described above.

8. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sarka et al., pn 3,863,550 in view of Johnson, pn 6,658,978.

Sarka discloses an apparatus (e.g., in Fig. 11) with almost every structural limitation of the claimed invention but lacks the at least one metal base portion and the blade being welded together. However, it is old and well known in the art to weld a blade to a metal base portion, particularly in die structures, as being one of many known ways to provide a secure connection therebetween. Welding provides various well known advantages; for example, it is relatively inexpensive and tooling to perform such tasks is readily available. Johnson (e.g., Fig. 4) provides one example of such welding. Therefore, it would have been obvious to one having ordinary skill in the art to weld the at least one metal base portion and the blade being together for the well known benefits including those described above.

Art Unit: 3724

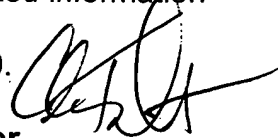
Response to Arguments

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Clark F. Dexter
Primary Examiner
Art Unit 3724

cfd
January 8, 2007